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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/594,213	06/14/2000	Lee Jay Lorenzen	CCTYP001	7835
25213	7590	12/28/2005	EXAMINER	
HELLER EHRMAN LLP 275 MIDDLEFIELD ROAD MENLO PARK, CA 94025-3506			ZEENDER, FLORIAN M	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/594,213		LORENZEN ET AL.	
	Examiner		Art Unit	
	F. Ryan Zeender		3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39 and 40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 40 is/are allowed.
- 6) ☒ Claim(s) 39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/4/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed 10/4/2005 fails to comply with 37 CFR 1.97(d) because it lacks a statement as specified in 37 CFR 1.97(e).

The information disclosure statement filed 10/4/2005 fails to comply with 37 CFR 1.97(d) because it lacks the fee set forth in 37 CFR 1.17(p).

The IDS has nonetheless been considered by the Examiner.

Claim Rejections - 35 USC § 103

Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Jeff Ubois article "Shop 'til Your Modem Drips" in view of Gregory '567 and DiAngelo et al. '482.

Ubois discloses, inherently teaches, or makes obvious the limitations of the claims including: a commerce web site; a commerce server having a database with multiple vendor product information sufficient to make a purchase decision (See, for example, page 49, Col. 3); transaction functionality allowing consumers to buy products from multiple vendors without having to enter multiple vendor websites (See, for example Col. 4, lines 38-52), and full descriptions of products not needing to be transmitted from the vendor website(s) to the commerce web site.

Ubois lacks the specific teaching of the use of a universal shopping cart, and logic that communicates information to the vendors about any items in an order purchased from the vendor, the amount of the purchase, and any shipping information.

DiAngelo et al. teaches a similar on-line transaction system whereby a universal shopping cart is used (See, for example, paragraphs Col. 2, line 20 through Col. 3, line 44).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ubois to use a universal shopping cart, in view of DiAngelo et al., in order to “facilitate Web commerce” (See DiAngelo et al., Col. 2, lines 30-32).

Gregory teaches a commerce server having a database with product information from multiple vendors (See, for example, Col. 2, lines 28-38); logic that communicates information to vendors about any items in an order purchased from the vendor, the amount of the purchase, and any shipping information (See for example Col. 3, lines 1-3; Col. 4, lines 47-52; and Cols. 9, 10, and 11), transaction functionality (See, for example Col. 4, lines 38-52), and Gregory further teaches that it is old and well known to provide the commerce database with detailed product descriptions (See, for example, the “BACKGROUND OF THE INVENTION” and Col. 4, lines 11-13).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ubois to include logic that communicates information to the vendors about any items in an order purchased from the vendor, the amount of the purchase, and any shipping information, in view of Gregory, in order to “advantageously” provide

merchants with historical transaction data to “track and assess the utility and efficiency of the service” (See Gregory, Col. 10, line 66 – Col. 11, line 25).

Response to Arguments

Applicant's arguments filed 7/8/2005, 8/24/2005 and 12/05/2005 have been fully considered but they are moot in view of the new grounds of rejection.

Regarding the arguments filed 7/8/2005:

Allowable Subject Matter

Claim 40 is allowed.

Conclusion


Applicant's submission of an information disclosure statement on 10/04/2005 (which failed to comply with the rules as stated above) prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (571) 272-6790. The examiner can normally be reached on Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on (571) 272-6771. The receptionist's phone number for the Technology center is (571) 272-3600.

F. Zeender
Patent Examiner, A.U. 3627
December 20, 2005


F. RYAN ZEENDER
PRIMARY EXAMINER 12/20/05